

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FRANK GAINER,

*

Plaintiff

*

v.

*

CIVIL NO. JKB-25-0133

CYNTHIA LYNN,

*

Defendant.

*

* * * * *

MEMORANDUM AND ORDER

Pro se Plaintiff Frank Gainer has filed a Complaint against Cynthia Lynn. (ECF No. 1.) He has also filed a Motion to Proceed in Forma Pauperis (ECF No. 2), which will be granted.

This case appears to revolve around a contract dispute regarding property in Columbia, Maryland. Mr. Gainer asserts that “Defendant Cynthia Lynn disregard[ed] initial Rent to Own contractual agreement.” (ECF No. 1 at 9.) Mr. Gainer explains that he entered into such agreement with Ms. Lynn’s late husband, but that, upon his passing, Ms. Lynn made false claims that she inherited the relevant property. (*Id.* (stating that “Defendant allegedly made frivolous false claims to the Howard County Sheriff’s Department as well as Howard County Department of Police that the Defendant inherited said property from her late husband and was a landlord to the Plaintiff,” and that she “strategically coerce[d] law enforcement agents and court officials to proceed with unlawful eviction while giving the impression to the Plaintiff that his percentage in ownership of the property was still in effect”).) He contends that Defendant’s actions violate 18 U.S.C. § 1341. (*Id.*)

To the extent that Plaintiff attempts to invoke federal question jurisdiction based on 18 U.S.C. § 1341, he may not. This is a criminal statute, and Plaintiff has no private right of action

under it. *See Robertson v. Foster*, Civ. No. ELH-16-3610, 2017 WL 1104664, at *6 (D. Md. Mar. 23, 2017) (“It is well established that there is no private right of action to pursue claims under federal criminal statutes.”). Further, Plaintiff cannot establish diversity jurisdiction because he alleges that both he and Defendant are residents of Maryland. Thus, Plaintiff’s claims must be brought in an appropriate state court, not in federal court.

Based upon the foregoing, the Court must dismiss this case for lack of subject matter jurisdiction.

Accordingly, it is ORDERED that:

1. Plaintiff’s Motion to Proceed In Forma Pauperis (ECF No. 2) IS GRANTED;
2. This case is DISMISSED for lack of jurisdiction;
3. The Clerk SHALL CLOSE this case; and
4. The Clerk is DIRECTED to MAIL a copy of this Memorandum and Order to Plaintiff.

DATED this 6 day of February, 2025.

BY THE COURT:

A handwritten signature in blue ink, reading "James K. Breder", is written over a horizontal line.

James K. Breder
United States District Judge